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SERVICE DATE - FEBRUARY 20, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 180X)

UNION PACIFIC RAILROAD COMPANY-ABANDONMENT
EXEMPTION-IN SHAWNEE COUNTY, KS

Decided: February 15, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon a 1.07-mile line of railroad over the Topeka Industrial Lead from milepost 406.53 to milepost 407.60 in Topeka, Shawnee County, KS. Notice of the exemption was served and published in the Federal Register on July 26, 2001 (66 FR 39082-83). On August 22, 2001, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for the City of Topeka (City) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding.¹ The 180-day period under the NITU is scheduled to expire on February 21, 2001.

On February 12, 2001, the City filed a request to extend the negotiation period for an additional 180 days. The City states that it and UP are currently negotiating the interim trail use agreement, but negotiations will not be completed by February 21, 2002. By letter filed February 14, 2002, UP states that it supports the extension request.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to August 20, 2002.

¹ The August 22 decision also imposed environmental conditions that required UP to:
(a) consult with the State of Kansas Department of Wildlife & Parks prior to salvage operations;
(b) consult with National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; and (c) consult with the U.S. Army Corps of Engineers, Kansas City District, to determine if permits are necessary prior to salvage activities.

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary